

No. 08A1096

In the Supreme Court of the United States

INDIANA STATE POLICE PENSION TRUST, ET AL.,

Applicants,

v.

CHRYSLER LLC, ET AL.,

Respondents.

SUPPLEMENTAL STATEMENT IN SUPPORT OF STAY APPLICATION

To the Honorable Ruth Bader Ginsburg, Associate Justice of the Supreme Court of the United States and Circuit Justice of the United States Court of Appeals for the Second Circuit:

The Indiana State Teachers Retirement Fund, Indiana State Police Pension Trust, and the Indiana Major Moves Construction Fund (collectively, the “Indiana Pensioners”) respectfully supplement their Application for an immediate stay, filed on June 6 (the “Application”), in order to bring to the Court’s attention information bearing on the Application and this Court’s Order of June 8, extending the stay in this matter pending further order of Justice Ginsburg or the Court.

The Debtors (and the United States) have advanced the position throughout this case, including in its papers filed with this Court, that the section 363 Sale at issue here had to close before June 15 or Fiat would exercise its right to withdraw and the entire transaction would collapse. The courts below relied on such arguments and testimony in moving this case forward at an unprecedented pace.

In responding to the news of this Court's temporary stay, Sergio Marchionne, the CEO of Fiat, was quoted as follows:

“We would never walk away,’ Marchionne said in response to a question about whether Fiat would pull out of the deal if it isn't completed by the June 15 deadline. ‘Never.’” Rather, Marchionne said that “We should just be patient and let the system work.”

See “Fiat Will ‘Never’ Walk Away from Chrysler, CEO Says.”¹

Whether or not the arguments and testimony were ever true, the Indiana Pensioners respectfully submit that the risk of termination by Fiat if the transaction does not close by June 15 no longer provides a basis for driving the timing of these proceedings.

Respectfully submitted,

/s/ Thomas M. Fisher

THOMAS E LAURIA
GLENN M. KURTZ
OWEN C. PELL
KAREN M. ASNER
WHITE & CASE LLP
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036
(212) 819-8200

WHITE & CASE LLP
200 S. BISCAYNE BOULEVARD
MIAMI, FL 33131
(305) 371-2700

Counsel for Petitioners/Applicants

Dated: June 9, 2009

GREGORY F. ZOELLER
Attorney General of Indiana

THOMAS M. FISHER
Solicitor General (Counsel of Record)

ASHLEY E. TATMAN
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South,
Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204
(317) 232-6201

¹ http://www.bloomberg.com/apps/news?pid=20601087&sid=aS_6UyCqIJmA.

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In re Chrysler LLC, Debtor

INDIANA STATE POLICE PENSION TRUST, ET AL.,

Petitioners,

v.

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Respondents.

**CERTIFICATE OF SERVICE FOR SUPPLEMENTAL STATEMENT IN
SUPPORT OF STAY APPLICATION**

I hereby certify that on June 9, 2009, true and complete copies of the Supplemental Statement in Support of Stay Application were served upon counsel for all parties by mailing same by First-Class U.S. Mail and electronic mail, to the following:

James L. Bromley, Esq.
Deborah M. Buell, Esq.
Cleary Gottlieb Steen & Hamilton, LLP
1 Liberty Plaza
New York, NY 10006
dbuell@cgsh.com
*International Union of United Automobile
Aerospace and Agricultural Implement
Workers of America, AFL-CIO ("UAW")*

Adina H. Rosenbaum, Esq.
Public Citizen Litigation Group
1600 20th Street, N.W.
Washington, DC 20009
arosenbaum@citizen.org
azieve@citizen.org
*Center for Auto Safety, Consumer Action,
Consumers for Auto Reliability and Safety,
National Association for Consumer
Advocates*

Harley E. Riedel, Esq.
Stichter, Riedel, Blain & Prosser, P.A.
110 East Madison Street
Tampa, FL 33602
hriedel@srbp.com
*Brian Catalon, Farbod Nourian, William
Lovitz,*

Peter Pantaleo, Esq.
David Eisenberg, Esq.
Simpson Thacher & Bartlett LLP
425 Lexington Avenue
New York, New York 10017
ppantaleo@stblaw.com
deisenberg@stblaw.com

Phil Abelson, Esq.
Judy Liu, Esq.
Martin J. Bienenstock, Esq.
Dewey & LeBoeuf, LLP
1301 Avenue of the Americas
New York, NY 10019
pabelson@dl.com
jliu@dl.com
mbienenstock@dl.com
Chrysler Financial Services Americas LLC

Joan Pilver, Esq.
Matthew F. Fitzsimmons Esq.
Office of the Attorney General/CT
110 Sherman St.
Hartford, CT 06105
joan.pilver@po.state.ct.us
matthew.fitzsimmons@po.state.ct.us
State of Connecticut

Michael James Edelman, Esq.
Vedder Price, P.C.
1633 Broadway, 47th Floor
New York, NY 10019
mjedelman@vedderprice.com
Export Development Canada

Glenn M. Kurtz, Esq.
Thomas E. Lauria, Esq.
White & Case LLP
1155 Avenue of the Americas
New York, NY 10036
gkurtz@whitecase.com
tlauria@whitecase.com
Indiana Pensioners

Gregory F. Zoeller, Esq.
Thomas M. Fisher, Esq.
Ashley Tatman, Esq.
Office of the Attorney General
302 W Washington Street, IGCS 5th Floor
Indianapolis, IN 46204-3795
Tom.Fisher@atg.in.gov
Ashley.Tatman@atg.in.gov
Indiana Pensioners

Jeannette A. Vargas, Esq.
David S. Jones, Esq.
Tara M. La Morte, Esq.
U.S. Attorney's Office,
Western District of New York
86 Chambers Street
New York, NY 10007
jeannette.vargas@usdoj.gov
tara.lamorte2@usdoj.gov
matthew.troy@usdoj.gov
john.stemplewicz@usdoj.gov
United States of America

Jeffrey S. Trachtman, Esq.
Thomas Moers Mayer, Esq.
Ken Eckstein, Esq.
Kramer, Levin, Naftalis & Frankel, LLP
1177 Avenue of the Americas
New York, NY 10036
jtrachtman@kramerlevin.com
tmayer@kramerlevin.com
keckstein@kramerlevin.com
*The Official Committee of Unsecured
Creditors*

John J. Rapisardi, Esq.
Cadwalader, Wickersham & Taft LLP
One World Financial Center
New York, NY 10281
john.rapisardi@cwt.com

Roger D. Netzer, Esq.
Willkie Farr & Gallagher
787 Seventh Ave
New York, NY 10019
rnetzer@willkie.com
Oppenheimer Master Loan Fund, LLC
Oppenheimer Senior Floating Rate Fund

Scott D. Miller, Esq.
Andrew Dietderich, Esq.
Hydee R. Feldstein, Esq.
Sullivan & Cromwell, LLP
125 Broad Street
New York, NY 10004
millersc@sullcrom.com
dietdericha@sullcrom.com
feldsteinh@sullcrom.com
Fiat S.p.A. and New CarCo Acquisition LLC

Elena Kagan, Esq.
Neil Katyal, Esq.
Emily Spadoni, Esq.
William M. Jay, Esq.
Malcolm L. Stewart, Esq.
Office of the Solicitor General
950 Pennsylvania Ave., NW
Washington, D.C. 20530-0001
Emily.C.Spadoni@usdoj.gov
William.m.jay@usdoj.gov
Malcolm.l.stewart@usdoj.gov
United States of America

Babette Ceccotti, Esq.
Cohen, Weiss and Simon LLP
330 W. 42nd St.
New York, NY 10036
bceccotti@cwsny.com

Nancy Winkelman, Esq.
Schnader Harrison Segal & Lewis LLP
140 Broadway
New York, NY 10005
nwinkelman@schnader.com
*The Ad Hoc Committee of Consumer Victims
of Chrysler*

Elizabeth J. Cabraser
Scott P. Nealey
Lieff Cabraser Heimann and
Bernstein, LLP
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
ecabraser@lchb.com
snealey@lchb.com
*William Lovitz, Farbod Nourian, and
Brian Catalano*

Corinne Ball, Esq.
Todd R Geremia, Esq.
Steven C. Bennett, Esq.
Gregory M. Shumaker, Esq.
Veerle Roovers, Esq.
Jones Day
222 E. 41st St.
New York, NY 10017
cball@jonesday.com
trgeremia@JonesDay.com
schbennett@jonesday.com
gshumaker@jonesday.com
vroovers@jonesday.com
Chrysler LLC

Sander L. Esserman, Esq.
Stutzman Bromberg Esserman & Plifka, PC
2323 Bryan Street
Dallas, TX 75201
esserman@sbep-law.com
Patricia Pascale

/s/ Thomas M. Fisher
THOMAS M. FISHER
Solicitor General (Counsel of Record)
Office of the Attorney General
Indiana Government Center South,
Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204
(317) 232-6201